

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:11-00157

RODNEY PRESTON SHAFFER, II

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On October 6, 2016, the United States of America appeared by Erik S. Goes, Assistant United States Attorney, and the defendant, Rodney Preston Shaffer, II, appeared in person and by his counsel, Lex A. Coleman, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Lilla Adkins. The defendant commenced a thirty-month term of supervised release in this action on September 22, 2014, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on May 28, 2014.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant violated federal and state law inasmuch as he sold methamphetamine to a confidential informant on May 11, 13 and 16, 2016, as evidenced by the defendant's acceptance of the government's proffer as set forth on the record of the hearing and his agreement that the government possesses sufficient proof to prove the violations by a preponderance of the evidence; (2) the defendant used and possessed controlled substances as evidenced by positive urine specimens submitted by him on January 29, 2016, for methamphetamine and amphetamine, and on February 4 and 18, 2016, for methamphetamine; (3) the defendant failed to notify the probation officer within 72 hours of being arrested for the conduct set forth above in (1); (4) the defendant failed to appear for random urinalysis testing as directed on March 18, April 15 and 29, and May 6 and 16, 2016; (5) the defendant failed to attend two individual substance abuse counseling sessions in April and May 2016; (6) the defendant failed to attend intensive outpatient substance abuse programming on March 17, 22, 24, 29 and 31, 2016; and (7) the defendant failed to attend two group sessions weekly for the

months of April and May, 2016; all as admitted by the defendant on the record of the hearing with the exception of (1) as explained above and all as set forth in the petition on supervised release.

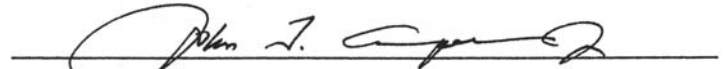
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of ONE YEAR AND ONE DAY.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 19, 2016



John T. Copenhaver, Jr.
United States District Judge